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5 Attorneys for PLAINTIFFS

6 FREDDY ARIAS

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8
9 UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

10 FREDDY ARIAS, an individual,

11 Plaintiff,

12 v.

13 DEPARTMENT OF THE ARMY, US
14 ARMY CORPS OF ENGINEERS and
PETE GEREN, SECRETARY OF THE
ARMY

15 Defendants.

16 USDC Case No 08 4407 MEJ

REQUEST FOR CONTINUATION OF
STATUS CONFERENCE;

DECLARATION OF COUNSEL IN SUPPORT
THEREOF

ORDER CONTINUING CMC

17 I, William Hopkins, declare:

- 18 1. I am the attorney for plaintiff in this matter and make this declaration in support of
plaintiff's request for continuation of status conference and accompanying dates.
- 20 2. The summons and complaint have been served on the United States Attorney's Office.
- 22 3. I received correspondence back from an Assistant United States Attorney noting that she has
is the Assistant US Attorney assigned to defend this action.
- 24 4. That correspondence acknowledged having received the summons and complaint, but objects
to the manner of service noting that it has not been served by registered mail and also that

1 simultaneous service was not completed on the Agency Head and Attorney General's Office
2 in Washington D.C.

- 3 5. Although the summons and complaint was mailed to the Agency Head, it was not mailed by
4 certified mail.
5 6. The service is being corrected to comply with the concerns expressed by the Assistant United
6 States Attorney in that correspondence.
7 7. In the interim, I am currently out of state with family until January 10, 2009 due to my
8 stepmother's illness. My stepmother has pancreatic cancer and has just undergone surgery at
9 the University of Pennsylvania Hospital.
10 8. Based on the foregoing, I respectfully request a continuance of the status conference.

11 I declare under penalty of perjury that the foregoing is true and correct and stated to the best of
my personal knowledge.

12 DATED: January 4, 2009

13 WILLIAM HOPKINS
14 ATTORNEY FOR PLAINTIFFS

16 Good cause appearing, the Case Management Conference is hereby CONTINUED to
17 March 12, 2009 at 10:00 a.m. in Courtroom B. All deadlines shall be adjusted accordingly.

18 IT IS SO ORDERED.

19 Dated: January 6, 2009

